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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,074	02/12/2002	Jeffrey Phelan	11908.1021	3129
41434	7590	04/14/2005	EXAMINER	
PATTON BOGGS LLP			MARTIN, NICHOLAS A	
2550 M STREET NW			ART UNIT	
WASHINGTON, DC 20037-1350			PAPER NUMBER	

2154

DATE MAILED: 04/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/073,074

Applicant(s)

PHELAN ET AL.

Examiner

Nicholas Martin

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/3/2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/13/02, 5/20/03.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

1. Claims 1-42 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-7, 10-21, 24-35 and 38-42 are rejected under 35 U.S.C. 102(b) as being anticipated by Tso et al. (hereinafter Tso), US 6,047,327.

4. As per claim 1, Tso teaches a method comprising:

receiving a set of information, and a geographic location profile of a user (Col. 1, lines 48-52; Col. 21, lines 32-51);

determining a geographic location based on the set of information (Col. 16, lines 61-67; Col. 17, lines 1-4);

appending the geographic location to the set of information (Col. 16, lines 61-67; Col. 17, lines 1-10); and

sending, through a network, the set of information to a machine to be used by the user depending on (i) the geographic location appended to the set of information (Col. 16, lines 61-67; Col. 17, lines 1-10) and (ii) the geographic location profile of the user (Col. 1, lines 48-52),

wherein the set of information includes information on at least one of news, business, entertainment, sports, and people (Col. 5, lines 31-39), and

wherein the geographic location profile of the user includes a geographic location of interest to the user (Col. 1, lines 48-52; Col. 5, lines 31-36, lines 39-43).

5. As per claim 2, Tso teaches the method of claim 1, further comprising:
determining a first data field, and a second data field (Col. 13, lines 50-58);
comparing the first data field and the second data field to select the set of information (Col. 13, lines 59-64);

wherein the first data field includes information based on the geographic location profile of the user (Col. 13, lines 50-58), and

wherein the second data field includes information based on the geographic location appended to the set of information (Col. 14, lines 16-32, lines 35-48).

6. As per claim 3, Tso teaches the method of claim 2, wherein the second data field correlates the set of information with at least one geographic location (Col. 14, lines 21-32).

7. As per claim 4, Tso teaches the method of claim 2, further comprising:
determining a third data field (Col. 14, lines 52-57); and
wherein the third data field includes information based on the comparison between the first data field and the second data field (Col. 13, lines 59-64; Col. 14, lines 16-32, lines 52-57).

8. As per claim 5, Tso teaches the method of claim 4, wherein at least one of the set of information, the first data field, the second data field, and the third data field is stored on a machine-readable medium (Col. 13, lines 49-53).

9. As per claim 6, Tso teaches the method of claim 1, wherein the geographic location of interest to the user includes at least one of the birthplace, hometown, high

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school, college, residence, and physical geographic location of at least one of (i) the user itself, and (ii) at least one of a friend, an acquaintance, a family member, a colleague, a customer and a competitor of the user (Col. 13, lines 59-67; Col. 14, lines 1-6; Col. 21, lines 5-14).

10. As per claim 7, Tso teaches the method of claim 1, wherein the geographic location of interest to the user includes a geographic location nearby at least one of the birthplace, hometown, high school, college, residence, and physical geographic location of at least one of (i) the user itself, and (ii) at least one of a friend, an acquaintance, a family member, a colleague, a customer and a competitor of the user (Col. 13, lines 59-67; Col. 14, lines 1-6; Col. 21, lines 5-14).

11. As per claim 10, Tso teaches the method of claim 1, wherein the geographic location profile of the user is based on at least one of a present and a past geographic location of at least one of (i) the user itself, and (ii) at least one of a friend, an acquaintance, a family member, a colleague, a customer and a competitor of the user (Col. 5, lines 13-30; Col. 13, lines 59-67; Col. 14, lines 1-6; Col. 21, lines 5-14).

12. As per claim 11, Tso teaches the method of claim 10, wherein the present geographic location of the user is determined by the machine (Col. 16, lines 61-67; Col. 17, lines 1-10).

13. As per claim 12, Tso teaches the method of claim 10, wherein the present geographic location of the user is determined by at least one of a global positioning device and a telecommunication location device (Col. 16, lines 44-49).

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14. As per claim 13, Tso teaches the method of claim 10, wherein the presented geographic location of the user is determined by the user itself (Col. 1, lines 28-33; Col. 16, lines 44-51).

15. As per claim 14, Tso teaches the method of claim 1, wherein the geographic location profile of the user is based on a geographic location nearby at least one of a present and a past geographic location of at least one of (i) the user itself, and (ii) at least one of a friend, an acquaintance, a family member, a colleague, a customer and a competitor of the user (Col. 5, lines 13-30; Col. 13, lines 59-67; Col. 14, lines 1-6; Col. 21, lines 5-14).

16. As per claim 15, Tso teaches an apparatus comprising:

a processor (Col. 2, lines 54-67; Col. 3, lines 1-7) to:

receive a set of information, and a geographic location of a user (Col. 1, lines 48-52; Col. 21, lines 32-51),

determine a geographic location based on the set of information (Col. 16, lines 61-67; Col. 17, lines 1-4),

append the geographic location to the set of information (Col. 16, lines 61-67; Col. 1-10), and

select the set of information to send to a machine to be used by the user depending on (i) the geographic location appended to the set of information and (ii) the geographic location profile of the user (Col. 11, lines 13-35); and

a transmitter coupled to the processor, the transmitter being configured to send, through a network, the set of information to the machine to be used by the user (Col. 26, lines 62-67),

wherein the set of information includes information on at least one of news, business, entertainment, sports, and people (Col. 5, lines 31-39), and

wherein the geographic location profile of the user includes a geographic location of interest to the user (Col. 1, lines 48-52; Col. 5, lines 31-36, lines 39-43).

17. Claims 16-21 do not teach or define any new limitations above claims 2-7 and therefore are rejected for similar reasons.

18. Claims 24-25 do not teach or define any new limitations above claims 10-11 and therefore are rejected for similar reasons.

19. As per claim 26, Tso teaches the apparatus of claim 24, wherein the processor is configured to determine the present geographic location of the user (Col. 2, lines 54-67; Col. 3, lines 1-7; Col. 16, lines 61-67; Col. 17, lines 1-10).

20. Claims 27-28 do not teach or define any new limitations above claims 13-14 and therefore are rejected for similar reasons.

21. Claims 29-35 do not teach or define any new limitations above claims 1-7 and therefore are rejected for similar reasons.

22. Claims 38-42 do not teach or define any new limitations above claims 10-14 and therefore are rejected for similar reasons.

Claim Rejections - 35 USC § 103

23. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

24. Claims 8-9, 22-23 and 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tso, in view of Angelucci et al. (hereinafter Angelucci), US 6,185,573.

25. As per claim 8, Tso teaches the method of claim 1, wherein the geographic location of interest to the user includes a geographic location of interest to at least one of (i) the user itself, and (ii) at least one of a friend, an acquaintance, a family member, a colleague, a customer and a competitor of the user (Col. 13, lines 59-67; Col. 14, lines 1-6; Col. 21, lines 5-14).

26. Tso does not teach the method wherein the geographic location of interest to the user includes a zip code.

27. Angelucci teaches the method wherein the geographic location of interest to the user includes a zip code (Col. 6, lines 35-47).

28. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Angelucci and Tso because they both deal with distribution of electronic information utilizing demographics. Furthermore, the teaching of Angelucci to allow the method wherein the geographic location of interest to the user includes a zip code would improve functionality of Tso's system by allocating another

location parameter to be used for distributing information pertaining to a users' geographical information, which would result in more accuracy for relevant information.

29. As per claim 9, Tso teaches the method of claim 1, wherein the geographical location of interest to the user includes a geographical location nearby a geographical location of interest to at least one of (i) the user itself, and (ii) at least one of a friend, an acquaintance, a family member, a colleague, a customer and a competitor of the user (Col. 13, lines 59-67; Col. 14, lines 1-6; Col. 21, lines 5-14).

30. Tso does not teach the method wherein the geographic location of interest to the user includes a zip code.

31. Angelucci teaches the method wherein the geographic location of interest to the user includes a zip code (Col. 6, lines 35-47).

32 It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Angelucci and Tso because they both deal with distribution of electronic information utilizing demographics. Furthermore, the teaching of Angelucci to allow the method wherein the geographic location of interest to the user includes a zip code would improve functionality of Tso's system by allocating another location parameter to be used for distributing information pertaining to a users' geographical information, which would result in more accuracy for relevant information.

33. Claims 22-23 do not teach or define any new limitations above claims 8-9 and therefore are rejected for similar reasons.

34. Claims 36-37 do not teach or define any new limitations above claims 8-9 and therefore are rejected for similar reasons.

Conclusion

35. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents and publications are cited to further show the state of the art with respect to "Method And Apparatus For Distributing Information Based On A Geographic Location Determined For The Information".

- | | | |
|------|--------------|---------------------|
| i. | US 6,128,663 | Thomas, C. Douglass |
| ii. | US 5,819,284 | Farber et al. |
| iii. | US 6,256,623 | Jones, William P. |

36. A shortened statutory period for reply to this Office action is set to expire in THREE MONTHS from the mailing date of this action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Martin whose telephone number is (571) 272-3970. The examiner can normally be reached on Monday - Friday 8:30 a.m. - 5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3970.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

nam
March 24, 2005


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